

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of: Trademark Application with Serial Number 78743112 for the
mark VVI in the United States:

----- :
VVI :
Plaintiff, :
v. : Opposition No. 91178890
Siemens Medical Solutions USA, Inc., :
Defendant. :
----- :

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451



05-15-2008

U.S. Patent & TMO/c/TM Mail Rpt. Dt. #3

NOTICE OF DISCOVERY DEPOSITION

Plaintiff (VVI ®) respectfully request that Defendant (Siemens Medical
Solutions USA, Inc.) answer the attached questions as a matter of discovery
deposition, and to do so in accordance with directions as provided by the TBMP,
including deadline (In accordance with TTAB 403.03, 37 CFR § 2.120(a)) and
reasonable response as defined by TTAB 404.05 37 CFR § 2.124(b)(2):

*The named organization **must**, in turn, designate one or more officers, directors, or
managing agents, or other persons who consent to testify on its behalf, and may state,
for each person designated, the matters on which he or she will testify. Each
designated person **must** testify not only as to those matters within his or her
knowledge, **but also as to matters known or reasonably available to the organization.***

where the word **must** means **must**¹. Note that this precludes Defendant from simply answering “Without Knowledge” as has been done in the past, unless it is within reason and factual. For the purpose of this deposition, the *named organization* is the Defendant: Siemens Medical Solutions USA, Inc.

Plaintiff hopes for the cooperation of the Defendant this time and hopes the questions are answered in a meaningful way and consistent with the discovery process and attached exhibits. In addition, Plaintiff states that contrary behavior is not only against the law but, in addition, wastes the valuable time of the USPTO as well as other resources and that is something the Plaintiff considers to be disrespectful to Plaintiff as well as the USPTO and the process.

Plaintiff looks forward to answers by Defendant and then submission with Notice Of Reliance to USPTO at the appropriate time. If Defendant and Plaintiff work together then Plaintiff has every confidence that the exhibits and testimony will not only provide adequate material for opposition and likelihood of confusion, but also form a sound basis for determining attributes of fraud and bad faith in Defendant’s filing of trademark application with serial number 78743112. However, Plaintiff realizes that it may take a substantial amount of time and

¹ The word “must” and other words are presented in bold font by Defendant to indicate there importance.

dedication to get the testimony and evidence submitted within the guidelines so Plaintiff looks forward to working with Defendant to that end in the most efficient and honest way possible. To aid this process Defendant should feel free to contact Plaintiff at the methods shown below.

Respectfully submitted,



Ed VanVliet
VVI
311 Adams Avenue
State College, PA 16803
814-441-0165
ed@vvi.com

Date: May 8, 2008

Attachments:

1. Deposition Questions.
2. Exhibit 1: Showing the registered name of Plaintiff.
3. Exhibit 2: Excerpt from Defendant's correspondence referring to incorrect entity as Plaintiff.
4. Exhibit 3: Defendant's document defining Velocity Vector Imaging and equating it to VVI.
5. Exhibit 4: Defendant's document defining VVI is part of syngo US Workplace and defining associated equipment only as a general purpose computer running Windows XP.
6. Exhibit 5: Defendant's document marketing VVI software without hardware.
7. Exhibit 6: Defendant's document to the FDA describing syngo US Workplace to the FDA as software on a PC.

8. Exhibit 7: ImageArena product description, which is software that Defendant states is a similar product to syngo US Workplace.
9. Exhibit 8: Sales quote from Defendant for VVI software without ultrasonic equipment.
10. Exhibit 9: Certificate for Defendant's word mark syngo, categorizing it as software, IC 009.
11. Exhibit 10: Application for Defendant's use of "Velocity Vector Imaging", categorizing it as computer software, IC 009.
12. Exhibit 11: Defendant's Response To Office Action for Trademark Application with Serial Number 78743112 changing VVI to IC 010.
13. Exhibit 12: Opposition 91178890 Proceedings Record from the USPTO.
14. Certificate Of Mailing
15. Certificate Of Service

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to:

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

on May 8, 2008.

Pursuant with TTAB 404.05, Notice of Deposition, 37 CFR § 2.124(b)(2) said correspondence is a copy of the notice, but not copy of the questions nor copy of the exhibits.

Respectfully,

A handwritten signature in black ink, appearing to read 'Ed VanVliet', with a stylized, flowing script.

Ed VanVliet
VVI
311 Adams Avenue
State College, PA 16803
814-441-0165

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing NOTICE OF DISCOVERY DEPOSITION and attachments has been served on Siemens Medical Solutions USA, Inc. by mailing said copy on May 8, 2008 via First Class Mail, postage prepaid to:

Siemens Medical Solutions USA, Inc.
c/o Lawrence E. Abelman
Abelman, Frayne & Schwab
666 Third Avenue
New York, NY 10017

Respectfully,

A handwritten signature in black ink, appearing to read 'Ed VanVliet', with a stylized, flowing script.

Ed VanVliet
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814-441-0165